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EAST TIMOR: The Asean Response

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by Sonny Inbaraj

In the almost 20 years since Indonesia's invasion and illegal annexation of East Timor, Asean leaders have virtually uttered no protest. Instead, they have completely turned their backs on the country and its people.

The simple reason appears to be that they have not wanted to embarrass Indonesia, a powerful Asean partner; such a move might jeopardize their highly-touted "Asean solidarity". But with what hypocrisy.

Two years after the invasion, in 1977, the Asean Six, propounded the concept of a Zone of Peace Freedom, and Neutrality (ZOPFAN) and the Treaty of Amity and Cooperation.

Respect for colonial boundaries has kept most of Africa, Latin America and Asia from disintegrating. No regime should take it upon itself the task of redrawing its boundaries at the expense of its neighbours. Sukarno tried it with Malaysia in the 1960s and failed. Saddam Hussein tried it with Kuwait and also failed. During the Cold War, Indonesia argued its case for annexing East Timor with the bogus communist threat. Now that the Cold War is over, another argument had to be found and there was nothing better than the Yugoslavia scenario to scare off the rest of the world.

The United Nations does not recognize Jakarta's rule over the territory and still considers Portugal as the administrator of East Timor.

James Dunn, the former Australian counsel in East Timor before the Indonesians invaded the island in December 1975, has made a study of the census statistics since the invasion.

"Before 1975," he told the New Zealand Parliament recently, "East Timor had a population of 688,000, which was growing at just two per cent per annum. Assuming that it did not grow any faster, the population today ought to be 980,000 or more, almost a million people.

"If you look at the recent Indonesian census, the Timorese population is probably 650,000. That means it is actually less than it was 18 years ago. I don't think there is any case in post World War II history where such a decline of population has occurred in these circumstances. It's worst than Cambodia and Ethiopia."

Where are all the missing East Timorese? The facts ought to be

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well known but they are not. As a direct result of the Indonesian invasion, an occupation which still continues, some 200,000 people, or a third of the population have died.

East Timor today is gripped by a climate of fear and the human rights abuses there continue unabated.

Asean's total silence on a crime against humanity of such magnitude has put a disturbing question mark about the regional grouping's concience, moral justification and collective attitude towards aggression committed by one big country against a small and defenceless neighbouring nation.

When Vietnamese forces invaded Cambodia in 1978, Asean emerged as a single collective voice, crying the loudest against the aggression and subsequent illegal occupation of Cambodia. Throughout subsequent years, the regional grouping played a pivotal role in applying pressure, arranging countless meetings and coordinating efforts to find a negotiated settlement to the conflict. Ironically, Jakarta at times served as interlocutor of the peace talks.

Strangely, the collective political will and moral responsibility manifested over the Cambodian issue has been totally absent so far as the East Timor issue is concerned. Asean appears to have displayed double standards when it came to the question of Indonesia's aggression and East Timor.

Asean leaders today may pretend that East Timor is already a dead issue. But it is not. East Timor today in Asean, is a test of will between the forces of democracy and dictatorship and between the forces of right and wrong.

<u>Indonesia: Asean's new bullyboy</u>

This May, Indonesia started to be a bully in Asean just to hammer home the point that what Jakarta did in East Timor was its own business and no one else's. Jakarta tried to institutionalize the principle that the internal affairs of each of the Asean countries should really be nobody else's business except that of the ruling elite or the ruling governments.

Using its big brother arm-twisting tactics, Jakarta tried to corner the Philippines in cancelling the Asia-Pacific Conference on East Timor that was held in the University of the Philippines.

Despite special envoy, former foreign secretary Raul Manglapus, being sent to Jakarta by President Fidel Ramos to explain to the Indonesian government that Philippine constitutional provisions allowing for the freedom of association and free speech prevented Manila from ordering the conference be cancelled, Jakarta proceeded with the following threats in a desperate attempt of diplomatic blackmail:

- Attempted to scrap a meeting scheduled for mid-June in Jakarta arranged by Indonesia between the Philippine government and a Muslim separatist group, the Moro National Liberation Front (MNLF). The MNLF, operating in the island of Mindanao has been fighting the central government of Manila for the past 20 years and more than 50,000 are reported to have died in clashes with the Philippine Army. Last November, Indonesia as chairman of the Organization of Islamic Conference (OIC) brokered an interim ceasefire agreement between the MNLF and Manila and both sides were due to meet again in June to discuss peace plans.

- Forcing a number of industrialists affiliated with the local chapter of the Indonesia Chamber of Commerce and Industry in Samarindra, East Kalimantan to cancel a planned investment involving billions of dollars in 15 different strategic sectors in Davao, Philippines.

- Forcing three Indonesian business delegations to cancel their trips to the Philippines and a visit to Manila by a student delegation from Jakarta's Jayabaya University.

- Forcing 200 Indonesian businessmen to withdraw from a regional conference in the southern city of Davao to flesh out President Ramos' East Asian Growth Area (EAGA) initiative, pending the outcome of the East Timor conference. The EAGA aims for greater economic ties among the contiguous areas of Brunei, Indonesia, Malaysia and the Philippines.

Indonesia's efforts to scuttle the East Timor conference in Manila backfired. In putting pressure on the Philippines to cancel the conference altogether, Jakarta raised consciousness about its forceful annexation of the island and put East Timor back as an international news item.

In trying to appease Jakarta in the name of Asean "solidarity", the Ramos government nearly succeeded in aborting the East Timor conference when the Quezon City Regional Trial Court issued a temporary restraining order against the holding of the conference at the University of the Philippines.

The Supreme Court acting on a petition filed by the organizers of the confernce, overturned the lower court's order on the grounds that the restraining order was unconstitutional.

But an earlier ban on all foreign participants to the conference, under an order issued by Ramos to the Bureau of Immigration remained. The Philippine President defended his decision banning foreigners from the conference saying US$ 700 million of Indonesian investments to the country were at stake.

Clearly, the Philippines because of its weak economy, was being whipped into line according to the rules of the game defined by

its Asean partners professing the authoritarian creed.

Malaysia Forum

In contrast to the Manila conference, a one-day forum in Kuala Lumpur on East Timor organized a month after, went ahead without any incident despite official protests from Indonesia that ties between Jakarta and Kuala Lumpur could be affected.

The reasons were obvious enough. Under no circumstances would Jakarta threaten Malaysia, an Asean economic leader, and risk evoking bitter memories of the Sukarn-era Konfrontasi of the early 1960s.

Malaysian Foreign Minister Abdullah Ahmad Badawi in reply to the Indonesians said Kuala Lumpur did not know of any plan by the Malaysian Action Front to hold the forum.

"Malaysia is a democratic country which permits freedom of speech and any organization can voice its opinion on any issue," he said.

Ironically when Indonesia was retaliating against the Philippines for allowing the Asia-Pacific Conference on East Timor, the Malaysian Prime Minister Mahathir Mohamad jumped into the fray and supported Jakarta.

Mahathir said if he were President Ramos, he would have taken into account the sensitivities of Indonesia on the East Timor problem and added he would accomodate Indonesia in the wider interests of Asean.

Asean Meeting in Thailand

At the Asean Ministerial Meeting in Bangkok in mid-July, Indonesia again tried to scantify the principle of non-interference in the "internal affairs" of other Asean members, as one of the cornerstones of Asean solidarity.

Sadly, the government of Chuan Leekpai go weak-kneed and caved in Jakarta's demands.

Eleven East Timorese who had planned to attend an NGO human rights conference held simultaneously with the Asean Meeting were banned from entering Thailand.

Foreign Minister Prasong Soonsiri issued a threat that members of foreign NGOs entering Thailand for the seminar would be arrested if they did not apply for permission 30 days in advance.

"Asean has unanimously resolved not to intervene in the East Timor issue and Thailand has acted in line with the Asean resolution. We will not allow foreign NGOs to use our country as

a venue to attack our neighbouring countries," the foreign minister said.

Three foreign participants to the regional human rights conference who were associated with the National Council of Maubere Resistance (CNRM), an umbrella of East Timor resistance groups, were deported by Thai immigration authorities.

Asked by reporters in Bangkok whether Indonesia was trying to block discussion of East Timor by Asean, Indonesian Foreign Minister Ali Alatas replied: "We have never blocked anything. East Timor has never been discussed in the 27 years of Asean, so why should it be now?"

The "internal affairs" argument

Human rights violations cannot be categorized as merely domestic issues; rather they are issues of international concern. The international community including NGOs have a right to raise these issues in all countries and call for redress for those whose rights have been violated.

In other words, the international community has jurisdiction over the governments and other power groups which violate human rights. It has a right to advocate these rights on behalf of aggrieved parties. The argument of governments which claim that "this is interference in the internal affairs of the state" is not acceptable or admissable.

If Hitler were to claim that the killings of millions of Jews were merely an internal matter and that the international community should not interfere, would this claim be acceptable today?

Clearly by playing into the hands of the Indonesians at the Asean meeting, Thailand breached its undertakings on human rights in various international forums and instruments including the UN Charter and the 1948 Universal Declaration of Human Rights. In 1993, the Thai government, led no less by Foreign Minister Prasong Soonsiri, adopted the Vienna Declaration on Human Rights.

Article 13 of the Vienna Declaration states as follows:

"There is a need for states and international organizations in co-operation with non-governmental organizations, to create favourable conditions...to ensure the full and effective enjoyment of human rights. States should eliminate all violations of human rights and their causes, as well as obstacles to the enjoyment of these rights."

And by its Article 38, it is stipulated that "non-governmental organizations and their members generally involved in the field of human rights should enjoy the right and freedom in the Universal Declaration of Human Rights, and the protection of the national law."

By intimidating local and foreign NGOs, in trying to appease Jakarta, the Thai government has violated these articles and shown its undemocratic physiognomy. Instead of using national law to assist and protect human rights workers and NGOs, the Thai government has undermined their work. The situation is all the more treacherous because many of the NGOs were the ones that helped drive out the Thai junta in May 1992 and set the stage for reversion to democracy in the country including free elections from which the current Cabinet members benefitted.

Asean Berlin Wall

The East Timor issue has shown that Asean solidarity and consensus is increasingly a dubious proposition. Should a few critiscisms by members of the Thai, Asian and International human rights communities, even if they are uncomfortably true, be enough to spoil the economic relationships between Thailand and Indonesia? To suggest that it could is to show Asean is so hopelessly brittle.

Asean today is composed of four authoritarian regimes and two fledgling democracies. What is disturbing is that the government of the two democracies when in the company of the Authoritarian Four, seem to be almost apologetic that they are democracies.

Part of the reason seems to stem from the fact that there are elements in the ruling regimes, in the Philippines and Thailand that are in fact ambivalent about democratic processes and fear that brandishing their democratic credentials would trigger more popular demands for more substantive democracy from their peoples.

In any event, this defensiveness has played into the hands of the military, party or monarchial elites of Indonesia, Malaysia, Singapore and Brunei, who are increasingly under pressure from popular forces to begin democratizing.

Part of the Authoritarian Four's political offensive has been to build an Asean Berlin Wall between the democratic movements in the Philippines and Thailand and the pro-democratic forces in their own countries.

Conclusion

Under the pretext that "we in Asean do not interfere in the internal affairs of a member state", many Asean governments of today are more than willing to bend over backwards to whitewash the truth about East Timor. What does this indicate? Are Asean capitals now nothing more than provincial outposts of Javanese imperialism?

It is important to point out that the policy positions of any one Asean government with regard to East Timor, does not necessarily reflect the opinion and positions of the citizens of their

countries. If Asean governments truly believed in democracy and human rights, it would be nothing more than fair, that such views be allowed to be aired and discussed in citizen forums.

Almost 20 years after Indonesia's brutal invasion, the problem of East Timor has not disappeared. In reality the "shut up" policy imposed upon Asean by Indonesia cannot be acceptable to those of us who are concerned with the abuses taking place literally in our backyard.

The East Timorese people's right to self-determination is well established in International law and 10 UN resolutions. In response to the invasion of East Timor in 1975, the UN Security Council adopted two resolutions, Res 384 (1975) and Res 389 (1976) calling for Indonesia's withdrawal and affirming the right of the people of East Timor to self-determination. The General Assembly adopted no less than 8 resolutions along the same lines.

The Indonesian government says in its propaganda machinery that most East Timorese today are happy with their integration with Indonesia.

But if they are happy with integration, why does there have to be according to Indonesian claims, 8 batallions of Indonesian troops in East Timor? If they're happy with integration, why does there have to be so many intelligence agents in Dili?

If the East Timorese are happy with integration, why does the Indonesian government have to spend so much effort to counter the pro-independence propaganda abroad?

VIVA EAST TIMOR!

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